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9 **UNITED STATES BANKRUPTCY COURT**  
 10 **DISTRICT OF NEVADA**

11 In re:

12 USA COMMERCIAL MORTGAGE  
 13 COMPANY,

14 USA CAPITAL REALTY ADVISORS,  
 15 LLC,

16 USA CAPITAL DIVERSIFIED TRUST  
 17 DEED FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED  
 19 FUND, LLC,

20 USA SECURITIES, LLC, Debtors.

21 **Affects:**

22  All Debtors  
 23  USA Commercial Mortgage Company  
 24  USA Capital Realty Advisors, LLC  
 25  USA Capital Diversified Trust Deed Fund, LLC  
 26  USA Capital First Trust Deed Fund, LLC  
 27  USA Securities, LLC

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.  
 BK-S-06-10725 LBR

**AMENDED MOTION FOR ORDER  
 REQUIRING GOOLD PATTERSON  
 ALES & DAY, CHARTERED TO  
 PRODUCE ONE OR MORE  
 REPRESENTATIVES FOR  
 EXAMINATION PURSUANT TO  
 FEDERAL RULE OF  
 BANKRUPTCY PROCEDURE 2004**

[No hearing required]

28 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating  
 29 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Goold  
 30 Patterson Ales & Day, Chartered ("Goold Patterson") to produce one or more  
 31 representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy  
 32

1 Procedure 9016, to appear for examination at the office of Lewis and Roca LLP, 3993  
2 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169, on a business day no  
3 earlier than ten (10) business days after the filing of this Motion and no later than  
4 December 31, 2007, or at such other mutually agreeable location, date, and time, and  
5 continuing from day to day thereafter until completed.

6  
7 This Motion is further explained in the following Memorandum.  
8

9  
10 **Memorandum**

11 The Trust seeks information concerning legal services performed by Goold  
12 Patterson on behalf of USACM, the other debtors in the above-captioned cases (together  
13 with USACM, the "Debtors"), and the Debtors' affiliates, subsidiaries, parents, or  
14 otherwise related entities. The Trust seeks this information to assist in the collection of the  
15 assets and the investigation of the liabilities of the Debtors.

16 The requested discovery from Goold Patterson is within the scope of examination  
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition  
19 of the debtor, or . . . any matter which may affect the administration of the  
20 debtor's estate, or to the debtor's right to a discharge. In a . . .  
21 reorganization case under chapter 11 of the Code, . . . the examination may  
22 also relate to the operation of any business and the desirability of its  
continuance, the source of any money or property acquired or to be acquired  
by the debtor for purposes of consummating a plan and the consideration  
given or offered therefore, and any other matter relevant to the case or to the  
formulation of a plan.  
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<sup>1</sup> FED.R. BANKR. P. 2004(b).

## **Conclusion**

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: October 19, 2007.

## DIAMOND MCCARTHY LLP

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